

THOMAS K. GODFREY
Assistant U.S. Attorney
U.S. Attorney's Office
James F. Battin U.S. Courthouse
2601 Second Ave. North, Suite 3200
Billings, MT 59101
Phone: (406) 657-6101
FAX: (406) 657-6989
Email: Thomas.Godfrey@usdoj.gov

ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

| | |
|----------------------------------|-------------------------|
| UNITED STATES OF AMERICA, | CR 24-93-BLG-SPW |
| Plaintiff, | |
| vs. | OFFER OF PROOF |
| KRISTOFER MIKAL WRIGHT, | |
| Defendant. | |

The United States, represented by Assistant U.S. Attorney Thomas K. Godfrey, files the following offer of proof in anticipation of the change of plea hearing set in this case on May 20, 2025.

THE CHARGES

The defendant is charged by indictment with Conspiracy to Possess with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 846 (Count 1); Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841(a)(1) (Count 2); Assault on a Federal Officer, in violation of 18 U.S.C. §§ 111(a)(1) and (b) (Count 3); Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. §§ 924(c)(1)(A)(i) (Counts 4 and 5); and Prohibited Person in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) (Counts 6 and 7).

PLEA AGREEMENT

There is a plea agreement in this case. The defendant will plead to counts 2 and 6 of the indictment and the parties jointly agree the defendant's offense level shall be increased two-levels under USSG § 2D1.1(b)(1). In the government's view, this is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF THE CHARGES

In order for the defendant to be found guilty of Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. § 841(a)(1), the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed methamphetamine and fentanyl;

Second, the defendant possessed the methamphetamine and fentanyl with the intent to distribute it to another person.

Third, the offense involved 50 grams or more of actual methamphetamine and a substance containing a detectable amount of fentanyl.

In order for the defendant to be found guilty of Prohibited Person in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. § 922(g)(1), the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed a firearm;

Second, the defendant was previously convicted of an offense punishable by greater than a year of imprisonment;

Third, the defendant knew he had been convicted of such an offense; and

Fourth, the firearm was transported in interstate or foreign commerce.

PENALTIES

Count 2 carries a maximum punishment of a mandatory minimum 10 years to life imprisonment, a \$10,000,000 fine, at least five years of supervised release, and a \$100 special assessment. Count 6 carries a maximum punishment of 15

years of imprisonment, a \$250,000 fine, three years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On March 20, 2024, Kristofer Wright was wanted on an active warrant for his arrest by Wyoming probation. He was also being investigated for distributing drugs. He was located by the US Marshall's Service at ABC Mini Storage in Billings and was arrested. Wright had been surveilled driving to a storage in a Jeep Grand Cherokee. Law enforcement obtained warrants for the Jeep Grand Cherokee. Inside the jeep two loaded firearms, ammunition, and 35.2 grams of actual methamphetamine were located.

On May 31, 2024, Wright was again in Billings with an active warrant for his arrest on his Wyoming case. The USMS and MT DCI again coordinated to arrest him in Billings. Wright was observed in a Jeep Cherokee at the Howard Johnson motel and then law enforcement followed him around Billings. He parked at a residence and the USMS prepared to effect an arrest. As they prepared, he came back out of the residence and got in his Jeep. In front of his jeep was an old broken-down van. Law enforcement got behind Wright's vehicle in a "pin" maneuver and made contact with his bumper. Their emergency lights were on and

a MT Highway Patrol officer also in a marked vehicle with lights and sirens were present as well.

Wright ignored commands, started his jeep, and attempted to ram his way into the broken van in front of him free from the pin. He also tried to reverse into a marked vehicle. Ultimately law enforcement had to use less-lethal bean bag shotgun rounds to break his windows to get Wright to surrender.

A search warrant was executed on the jeep and inside law enforcement located two firearms, ammunition, 253.7 grams of actual methamphetamine, and 90.8 grams of fentanyl.

The defendant is prohibited from possessing firearms and ammunition due to previous federal and state felony convictions.

The ATF did an interstate nexus evaluation of the firearms and determined they were not manufactured in Montana and thus effected interstate commerce.

DATED this 19th day of May 2025.

KURT G. ALME
United States Attorney

/s/ Thomas K. Godfrey
THOMAS K. GODFREY
Assistant U.S. Attorney